

1 Robb C. Adkins (SBN 194576)
radkins@winston.com
2 Krista M. Enns (SBN 206430)
kenns@winston.com
3 Seth Weisburst (SBN 259323)
sweisburst@winston.com
4 WINSTON & STRAWN LLP
101 California Street, 35th Floor
5 San Francisco, CA 94111-5840
Telephone: (415) 591-1000
6 Facsimile: (415) 591-1400

Lawrence M. Hill (*pro hac vice*)
lhill@winston.com
Alexa Perlman (*pro hac vice*)
aperlman@winston.com
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166-4193
Telephone: (212) 294-6700
Facsimile: (212) 294-4700

7 Lowell D. Jacobson (*pro hac vice*)
ljacobson@winston.com
8 Adrienne Rosenbluth (*pro hac vice*)
arosenbluth@winston.com
9 WINSTON & STRAWN LLP
35 W. Wacker Dr.
10 Chicago, IL 60601-9703
Telephone: (312) 558-5600
11 Facsimile: (312) 558-5700

Brooke Goldstein (*pro hac vice*)
brooke@thelawfareproject.org
Amanda Berman (*pro hac vice*)
amanda@thelawfareproject.org
THE LAWFARE PROJECT
633 Third Avenue, 21st Floor
New York, NY 10017
Telephone: (212) 339-6995

12 Attorneys for Plaintiffs
JACOB MANDEL, CHARLES VOLK,
13 LIAM KERN, SHACHAR BEN-DAVID,
MICHAELA GERSHON, MASHA MERKULOVA,
14 and STEPHANIE ROSEKIND

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 JACOB MANDEL, et al.,

Case No. 17-cv-3511-WHO

18 Plaintiffs,

PLAINTIFFS' RESPONSE TO
PROPOSED AMICUS OPEN
HILLEL'S UNAUTHORIZED REPLY
BRIEF [ECF NO. 152]

19 v.

20 BOARD OF TRUSTEES of the CALIFORNIA
21 STATE UNIVERSITY, et al.,

22 Defendants.

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On June 15, 2018, Dan Siegel, counsel for proposed amicus Open Hillel, filed a “Reply to Plaintiffs’ Opposition to Open Hillel’s Motion for Leave to file Amicus Curiae Brief” (ECF No. 152, the “Reply”).

Such a reply brief is not permitted. By operation of Civil Local Rule 7-11(c), “a Motion for Administrative relief is deemed submitted for immediate determination without hearing on the day after the opposition is due.” Plaintiffs’ Opposition was due and was filed on May 29, 2018 (ECF No. 142) and the motion for administrative relief was thus deemed submitted for immediate determination on May 30, 2018. Thereafter, “[u]nless otherwise ordered” by the Court, no further submissions were appropriate, and no such order has been made. Open Hillel cannot claim that their motion is something other than a motion for administrative relief governed by Local Rule 7-11—they captioned their motion as an “*Administrative Motion* for Leave to File Amicus Brief” (ECF No. 141) (emphasis added).

Plaintiffs' counsel wrote to Mr. Siegel via email, on June 16, 2018, to inform him that his filing was improper and requesting that it be voluntarily withdrawn. Having received no response, Plaintiffs' counsel sent a second email on June 19, 2018, to follow up and inquire whether Mr. Siegel would withdraw the filing or had any other response. To date, Plaintiffs have received no response from Mr. Siegel or Open Hillel offering any basis for filing the Reply when it is clearly prohibited by Local Rule 7-11.

Plaintiffs request that the Court disregard Open Hillel’s improper Reply in its entirety and deny Open Hillel’s motion for leave to file an amicus brief (ECF No. 141). A proposed order to that effect is filed concurrently with this response.

Dated: July 2, 2018

WINSTON & STRAWN LLP

By: /s/ Seth Weisburst
Seth Weisburst

Attorneys for Plaintiffs
JACOB MANDEL, CHARLES VOLK,
LIAM KERN, SHACHAR BEN-DAVID,
MICHAELA GERSHON, MASHA
MERKULOVA, and STEPHANIE ROSEKIND